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10 THE HONORABLE STEPHANIE A. AREND
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17 SUPERIOR COURT OF THE STATE OF WASHINGTON
18 FOR PIERCE COUNTY
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20 WASHINGTON STATE REPUBLICAN
21 PARTY, et al.,
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23 Plaintiffs,
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26 v.
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28 KING COUNTY DIVISION OF RECORDS,
29 ELECTIONS AND LICENSING
30 SERVICES, et. al.,
31

32 Defendant,
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34

35 and
36

37 WASHINGTON STATE DEMOCRATIC
38 CENTRAL COMMITTEE,
39

40 Applicant Intervenor-
41 Defendant.
42
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NO. 04-2-14599-1

DECLARATION OF
WILLIAM C. RAVA

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45 William C. Rava declares as follows:
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1 1. I am one of the attorneys for Applicant Intervenor-Defendant Washington
2 State Democratic Central Committee. I am over the age of 18, am competent to make this
3 declaration, and do so upon personal knowledge as indicated.
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6 2. Attached hereto as Exhibit A is a true and correct copy of the Manual
7 Recount Procedures: Most Frequently Asked Questions produced by the Secretary of State.
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10 3. Attached hereto as Exhibit B is true and correct copy of the Procedural
11 Guidelines for Manual Recount for the Governor Race, issued by the Secretary of State.
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14 4. Attached hereto as Exhibit C is a true and correct copy of an article entitled
15 "Washington orders third count in governor race," published in the Seattle Post-Intelligencer
16 on December 6, 2004 and available at
17 <http://seattlepi.nwsourc.com/printer/ap.asp?category=642&slug=WA%20Governor%20Re>
18 [count.](http://seattlepi.nwsourc.com/printer/ap.asp?category=642&slug=WA%20Governor%20Re)
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24 5. Attached hereto as Exhibit D is true and correct copy of an email sent on
25 November 15, 2004 by the Washington State Republican Party to party volunteers, calling
26 for those volunteers to contact provisional and absentee ballot voters to have those voters
27 provide any documents needed to rehabilitate their vote.
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32 6. On November 16, 2004, the Washington State Republican Party filed a
33 Motion for Temporary Restraining Order in King County Superior Court. Attached hereto
34 as Exhibit E is a true and correct copy of that motion.
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38 7. On November 16, 2004, King County Superior Court Judge Dean Lum
39 entered a Memorandum Opinion and Order. Attached hereto as Exhibit F is a true and
40 correct copy of that Opinion and Order.
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44 8. On December 3, 2004, a group of electors—David T. McDonald, Ronald
45 Taro Suyematsu, Sanford Sidell, Brent Campbell, and Hillary Dendy—and the Washington
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1 State Democratic Central Committee filed a petition for writ of mandamus against the
2 Secretary of State and Washington State County Auditors and County Canvassing Boards in
3 the Washington Supreme Court. These Petitioners also filed a Motion for Emergency Relief
4 on various issues.
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8 9. The Washington Secretary of State opposed the Petitioners' motion.
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10 Attached hereto as Exhibit G is a true and correct copy of Washington Secretary of State's
11 Response to Petitioners' Motion for Emergency Partial Relief as submitted to the
12 Washington Supreme Court on December 7, 2004.
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16 10. Dino Rossi and the Washington State Republican Party intervened in the
17 Supreme Court action. Mr. Rossi and the Republican Party also opposed the Petitioners'
18 motion. Attached hereto as Exhibit H is a true and correct copy of pertinent excerpts of
19 Intervenors' Opposition to Petition by Electors and Petition for Writ of Mandamus and Other
20 Relief and Motion In Support of Emergency Partial Relief.
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24 11. Dean Logan, Director of King County Records, Elections and Licensing
25 Services Division, submitted a declaration in support of King County's opposition to
26 Petitioners' motion. Attached hereto as Exhibit I is a true and correct copy of pertinent
27 excerpts of the Declaration of Dean Logan.
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31 12. On December 9, and in response to a public records request I filed on
32 November 30, I received via email a list of absentee ballot voters whose votes had not been
33 counted because of signature problems. I forwarded that list to my client.
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37 13. On December 13, 2004, King County Records, Elections and Licensing
38 Services Division, issued a statement stating that it had identified approximately 561 ballots
39 that were wrongfully rejected. Attached hereto as Exhibit J is a true and correct copy of that
40 statement, available at http://www.metrokc.gov/elections/news/2004_12_13.htm.
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1 14. The Washington Supreme Court held oral arguments on Petitioners' Motion
2 for Emergency Partial Relief on December 13, 2004. Attached hereto as Exhibit K are
3 excerpts of a true and correct copy of a transcription of the oral argument on Petitioners'
4 motion.
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8 15. The Washington Supreme Court issued its Opinion Order on December 14,
9 2004. Attached hereto as Exhibit L is a true and correct copy of that Order.
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11 16. Attached hereto as Exhibit M is a true and correct copy of an article entitled
12 "Court rules against Gregoire: Counties won't be forced to reinspect invalid ballots; but
13 saga's not over," published in the Seattle Post-Intelligencer on December 15, 2004 and
14 available at http://seattlepi.nwsource.com/local/203826_governor15.html.
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17 17. Attached hereto as Exhibit N is true and correct copy of a letter from Robert
18 MacGuire, one of the attorneys for Dino Rossi and the Republican Party, to the King County
19 Canvassing Board, dated December 15, 2004.
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21 18. On December 15, Superintendent of Elections Bill Huennekens presented a
22 written report to the King County Canvassing Board on the mistakenly rejected absentee
23 ballots. Attached hereto as Exhibit O is true and correct copy of that report.
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26 19. On December 15, Superintendent of Elections Bill Huennekens presented
27 written and oral reports to the King County Canvassing Board on the mistakenly rejected
28 absentee ballots. He reported that the ballots had been timely received by the County from
29 lawfully registered voters and then handled and secured in the same manner as all other
30 absentee ballots. When elections staff attempted to verify the signatures on the absentee
31 ballot envelopes, they discovered that King County did not have an electronic signature on
32 file for the voter. Staff put them aside rather than compare them to the signature in the
33 voter's original registration form (in hard copy, in the Secretary of State database, or
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1 elsewhere). At the initial certification on November 17, these mistakenly rejected absentee
2 ballots were described to the Canvassing Board and included in the returns as among the
3 "signature mis-comparisons," a categorization obviously reserved for ballots where a
4 comparison had actually been done. Because no comparison had been done, they were
5 therefore erroneously reported in the County's returns.
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10 20. After Mr. Huennekens' report, the Canvassing Board debated the mistakenly
11 rejected absentee ballots and heard from the King County Senior Deputy Prosecuting
12 Attorney responsible for advising the Board. She advised that the Board had the discretion
13 to correct any discrepancy or error it found during the recount. Two members of the
14 Canvassing Board stated that it was clear that an error had been made in processing these
15 mistakenly rejected absentee ballots, that there was a discrepancy in the results on their face,
16 and that these ballots should be recanvassed. The third member disagreed. The Canvassing
17 Board voted to begin immediately recanvassing the ballots: researching voter files to find a
18 signature, comparing the envelope signature with the signature on file and, if it matches,
19 removing the ballot from the envelope and preparing it to be counted. The Canvassing
20 Board has not yet counted the ballots.
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32 21. On December 15, 2004, King County Records, Elections and Licensing
33 Services Division, issued a statement regarding the canvassing board decision regarding 571
34 mistakenly rejected absentee ballots. Attached hereto as Exhibit P is a true and correct copy
35 of that statement, available at http://www.metrokc.gov/elections/news/2004_12_15.htm.
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41 22. Attached hereto as Exhibit Q is a true and correct copy of the manual recount
42 results, by county, as of December 16, 2004 at 11:45 p.m., available at
43 http://vote.wa.gov/general/recount_resultsbycounty.aspx.
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1 23. Attached hereto as Exhibit R is a true and correct copy of a notice that Zach
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3 Oaks, a King County voter, received from the Washington State Republican Party regarding
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5 his ballot. I have verified that Mr. Oaks name is on the list of 573 ballots not previously
6
7 counted, available at http://www.metrokc.gov/elections/news/list_of_573.htm.
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11 I declare subject to penalty of perjury under the laws of the State of Washington that
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13 the foregoing is true and correct.

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15 SIGNED and DATED at Seattle, Washington, this 17th day of December, 2004 by
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17 WILLIAM C. RAVA.

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WILLIAM C. RAVA